

# City of Detroit



## CITY COUNCIL

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TO: The Honorable City Council

FROM: Peggy Robinson   
Julianne Pastula 

DATE: April 5, 2006

RE: **MASSACHUSETTS CONSTITUTIONAL AMENDMENT AND  
LEGISLATION REGARDING UNIVERSAL HEALTH CARE**

At the Honorable City Council's request through the Public Health & Safety Standing Committee, the Research & Analysis Division (RAD) was asked to investigate and report on the legislation in Massachusetts determining health care as a civil right. The following memorandum is based on RAD's research and conversations with representatives from the state government and organizations involved in the healthcare campaign.

### I. Objective

The Massachusetts campaign is a citizen's initiative to ensure all residents have access to affordable, comprehensive medical coverage for health care services, including mental health services, prescription drugs and medical devices. To accomplish this mission, the Health Care for Massachusetts Campaign has proposed a constitutional amendment that will require elected officials to develop (with stakeholder input) and implement health care coverage for all Massachusetts residents. The lack of affordable health care, increasing premiums and the increase in the number of uninsured residents prompted the campaign for the Initiative. Currently, there are approximately 700,000 uninsured residents in Massachusetts.

A constitutional amendment is strategic because purely legislative approaches have been circumvented in the past. In 1988, Massachusetts passed a universal health care law. That legislation established an employer mandated system for the provision of health care benefits. After Governor Dukakis left office to pursue other political goals, the new governor, William Weld, abandoned the universal health care effort and significantly reduced Medicaid funding. The amendment, if adopted and ratified, will ensure the state government is responsive and accountable to the residents by making universal health care an obligation and duty. The Amendment will not make health care a fundamental right, rather it will be collective right for Massachusetts residents to have access to health care.

## **II. History of the Initiative & Next Steps**

The campaign began in the Fall of 2003 with a petition drive to refer the Health Care Amendment (Amendment) to the Constitutional Convention. The Amendment received its first 25% approval at the 2003-2004 Constitutional Convention<sup>1</sup>. The 2004 Constitutional Convention also added language so that voters will approve the specific plan developed to meet the constitutional mandate (if the campaign is successful) prior to implementation.

The next step is a second approval by 25% (at least 50 of the 200 legislators) of the 2005-2006 Constitutional Convention on May 10, 2006. If the Amendment passes, it advances to the ballot on November 7, 2006 for registered voters' consideration. If ratified, affordable health coverage will become a constitutional guarantee in Massachusetts.

If the proposed Amendment is on the November ballot and passes, the next concern is how long residents would have to wait to see progress on the issue. The legislature has two-year sessions with a new session beginning in January 2007. Even though legislators and other stakeholders<sup>2</sup> have been working on proposals anticipating the Amendments passage, a proposal coming out of the next session, for a public vote is seen as too aggressive. The majority view of those working on the proposals is that one will be on the ballot within four years. The coalition behind the Initiative has indicated that it would be satisfied with reasonable progress in the future toward the actual proposal. Litigation to enforce the constitutional provision could be pursued if sufficient progress is not being made.

## **III. Legislation**

The official language of the Health Care Amendment follows:

### **Petition for a Constitutional Amendment Relative to the Provision of Health Insurance**

Section 1: The People of the Commonwealth of Massachusetts hereby declare it necessary and expedient to alter the Constitution by the adoption of the following Article of Amendment:

Upon ratification of this amendment and thereafter, it shall be the obligation and duty of the Legislature and executive official, on behalf of the Commonwealth, to enact and implement such laws, subject to the approval by the voters at a statewide election, as will ensure that no Massachusetts resident lacks comprehensive, affordable and equitably financed health insurance coverage for all medically necessary preventive, acute and chronic health care and mental health care services, prescription drugs and devices.

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<sup>1</sup> On July 14, 2004, a vote of 153-41 House and Senate members voted in regard to the Amendment. The Amendment received three times the support required to pass.

<sup>2</sup> Such as the health care industry, citizen's groups and the business community.

If passed, the Amendment will serve as a foundation upon which implementation proposals can be built. As mentioned above, there are already proposals for universal health care access in development that can be enacted with or without the Amendment. Highlights of the main proposals follow:

- Governor Romney's proposal introduced last summer was released from a conference committee this Monday; it was voted on and passed the legislature this Tuesday. It was drafted based on input from a BCBS Foundation contract with the Urban Institute examining how the state could achieve universal coverage. RAD will provide a supplemental report on the bill as passed by the legislature and how it would interact with the proposed constitutional amendment.
- The MASS-CARE campaign is for a single payer health care system. A Senate bill has been proposed that would establish the Massachusetts Health Care Trust. The proposal would alter the multiple payer system for the payment of health care costs to eliminate inefficient and redundant collection procedures. To accomplish this, health care providers would be paid by a single public agency responsible for processing payments.

It is important to note that any proposal to implement universal health care in Massachusetts under the constitution (if amended) is subject to voter approval.